THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.5862 of 2005

Date: 26th November, 2007

Between :-

M/s.M.Rama Krishna Reddy,

Rep.by its Managing Partner ..

Petitioner

And

Govt. of A.P., represented by
Its Principal Secretary,
Irrigation and CAD,
A.P. Secretariat, Saifabad,
Hyderabad and 3 others ..
Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.5862 of 2005

ORDER:-

The Writ Petition is filed for a Writ of Mandamus declaring the action of the 3rd and 4th respondents in recovering the seigniorage in terms of G.O.Ms.No.217 (Industries & Commerce (M.I) Department dt.29-9-2004 as illegal, arbitrary in respect of works pertaining to (1) formation of Earth Dam of Yellur balancing reservoir from Km. 0.000 to Km 1.680 including earthwork in excavation and forming embankment of Feeder Channel from Km.2.940 to Km.4.240 of Kalwakurthy lift Irrigation

Scheme, Mahabubnagar District, forming embankment of Gravity Canal from Km.5.00 to Km.7.000 including channel upto Head Regulator (at Yellur balancing Reservoir) of Kalwakurthy Lift Irrigation Scheme in Mahabubnagar District, (2) formation of Earth Dam of Yellur Balancing Reservoir from Km.0.825 to 0.975 Km. (including back bund of 900 meters long) including earthwork excavation and forming embankment of gravity canal from Km.5.300 to Km.6.00 including leading channel upto Head Regulator (at Yellur Balancing Reservoir) of Kalwakurthy Lift Irrigation Scheme, Mahabubnagar District, and (3) formation of Earth Dam of Yellur Balancing Reservoir from Km.0.975 to Km.1.680 including earth work excavation and forming embankment of gravity canal from Km.6.000 to Km.7.000 of Kalwakurthy Lift Irrigation Scheme, Mahabubnagar District in agreement Nos.L.S.A.B.No.11/NKLISI/2003-04, L.S.A.B.No.12/NKLISI/2003-04 and L.S.A.B.No.13/NKLISI/2003-04 on 11-2-2004 respectively; to declare the action of the respondents in applying G.O.Ms.No.77 dated 15-4-2006 only to the future agreements as discriminatory and violating Article 14 of the Constitution of India; and to direct the respondents to apply the concession provided in G.O.Ms.No.77 to the works of formation of Earth Dam of Yelluru Balancing Reservoir being executed by the petitioner in Mahabubnagar District from Km.0.000 to Km.1.680, from Km.0.825 to Km.0.975 and from Km.0.975 to Km.1.680 and pass such other suitable orders.

Several facts had been narrated in the affidavit filed in support of the Writ Petition. The Judgment of the Division Bench in W.A.No.1740/2005 dt.19-9-2005 had been placed before this Court. It is submitted that the G.O. impugned in the Writ Petition G.O.Ms.No.217 (Industries & Commerce (M.I) Department dt.29-9-2004 was upheld. In the light of the orders specified supra, no further orders need be passed and accordingly, the Writ Petition is hereby dismissed. No order as to costs.

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Justice P.S.Narayana

26th November, 2007

smr